

REMARKS

Claims 46-47 and 49 have been amended to remove some inconsistencies. Claims 29-53 are pending in the present application.

Office Action of January 24, 2006

Applicants have carefully reviewed and considered the Office Action of January 24, 2006. Applicants hereby request entry of this Response and further consideration of the present application in view of the following remarks.

In the Office Action, the Examiner objected to the amendment filed on 5/3/2004 under 35 U.S.C. 132(a) for introducing new matter into the disclosure. The Office Action also stated that claims 29-41 were allowed and claims 47-48 and 51-53 appear to contain patentable subject matter, except for issues stated below that need clarification.

The Office Action further rejected claims 46-49 under 35 U.S.C. §112, first paragraph, as containing subject matter not described in the specification. Claims 46-49 were also rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The Office Action also rejected claims 42-45 under 35 U.S.C. § 103(a) as being obvious over Koza (U.S. Pat. No. 5,112,050) and claims 46 and 49-50 under 35 U.S.C. § 103(a) as being unpatentable over Koza in view of either Gumina (U.S. Pat. No. 5,118,109) or Kamille (U.S. Pat. No. 5,855,514). Applicant respectfully traverses the grounds of rejection for claims 42-53 and requests reconsideration thereof in view of the following remarks.

Amendment Objection

The amendment filed on 5/3/2004 was objected to for introducing new matter, in particular, the Office Action stated that claim 46 appears to introduce new matter when taken in conjunction with claim 42. Applicant respectfully traverses the objection.

Claim 46 contained an element of a pre-printed section that is fully supported by paragraph [0081] in the specification as filed. Nonetheless, claims 46, 47, and 49

have been amended to remove the this element to facilitate prosecution, and Applicant respectfully requests the objection be withdrawn.

Rejection under 35 U.S.C. §112

Claims 46-49

The Office Action rejected claims 46-49 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Office Action stated that claim 46 seems to include a ticket with a pre-printed section that includes a pre-printed play phrase while claim 42, from which claim 46 depends, seems to be include a step of receiving a play phrase from a user. The Office Action stated that if the phrase is received from a user it cannot be pre-printed.

The Office Action also rejected claim 46-49 under U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The Office Action stated that, still regarding claims 46 in view of claim 42, if the phrase is received from a user it is unclear as to how it is pre-printed. Applicant traverses these rejections.

As stated above in regard to Amendment Objection, claims 46, 47, and 49 have been amended to remove the this element from these claims. Therefore, Applicant respectfully requests claims 46-49 be allowed.

Rejection under 35 U.S.C. §102(b)

Claim 42

The Office Action stated that claim 42 is rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Koza (U.S. Pat. No. 5,112,050). Applicant traverses the rejection.

Koza discloses a game in which winning information is broadcasted over a medium and received by a game ticket (col. 2, lines 46-50). Certain coded values are store in the game ticket and the player has no choice as to the selection of stored coded value, or alternatively, the player may be able to select the value that is stored in the game ticket (col. 5, lines 7-12). The term “value” can refer to numbers, letter, symbols, or other means of identifications (col. 4, lines 1-2). Koza also discloses the

possibility for the player to select a word from a collection of preselected words and wins if the player's selected word matches the winning word (col. 12, lines 55-60). Koza does not disclose receiving a play phrase from a player.

In contrast, claim 42 is directed to a method for playing a word based lottery game in which a user enters an alphabetical play phrase. The user does not enter words, but phrases. The phrases are neither a long series of letter characters nor a plurality of words where each word contains a plurality of letters as stated in the Office Action (page 4, lines 18-19). Arbitrary words do not form a phrase. The specification specifically states that the play phrases can be quotes, film titles, fortune cookies, or even simple list of words fitting a theme ([0081]).

In order to anticipate claim 42, the cited reference must disclose or suggest every element of claim 42 (MPEP §2131). Because Koza does not disclose element of receiving an alphabetical play phrase from a user, Koza cannot anticipate claim 42. Therefore, Applicants submit claim 42 is patentable over Koza and allowance thereof is requested.

Claim 43

Claim 43 depends from claim 42 and further adds the element of reading the alphabetical play phrase from a word based lottery play slip. The Office Action failed to point out where in Koza such element is disclosed and Applicant does not discern such element.

When a reference is complex, the particular part relied by the Examiner must be designated as nearly as practicable. 37 C.F.R. 1.104(c)(2). Therefore, Applicant respectfully requests either the Examiner clearly point out where in Koza such limitation is disclosed, or that the rejection be withdrawn and claim 43 be allowed.

Claims 44-45

Claims 44-45 depend from claim 42 and further add steps to claim 42. Therefore, Applicant submits that claims 44-45 are patentable over the cited reference for at least reasons stated above with respect to the patentability of claim 42, and the allowance thereof is requested.

Rejection under 35 U.S.C. §103(a)

Claim 46

The Office Action rejected claim 46 as being unpatentable over Koza in view of either Gumina (U.S. Pat. No. 5,118,109) or Kamille (U.S. Pat. No. 5,855,514). Applicant traverses this rejection.

The Office Action stated that Koza discloses, in column 11, lines 60-68, and column 12, lines 55-63, a lottery game that includes a pre-printed section listing a pre-printed phrase. After a careful review the cited passages, Applicant does not discern where such element is disclosed. The cited passages disclose “a collection of preselected words” but not pre-printed phrases as in amended claim 46. As discussed above in respect with the patentability of claim 42, arbitrary words do not form a phrase.

Amended claim 46 depends from claim 42 and further adds the element of a lottery ticket with a printed section listing a play phrase to claim 42. Applicant submits this element is not disclosed or suggested by the cited references, either individually or in combination.

To render amended claim 46 obvious, the prior art references when combined must teach or suggest all the claim limitations (MPEP §2143). Because the cited references do not disclose or suggest, either individually or in combination, at least the element of a lottery ticket with a printed section listing a play phrase, the cited references cannot render amended claim 46 obvious. Therefore, Applicants submit amended claim 46 is patentable over the cited references and allowance thereof is requested.

Claim 49

The Office Action rejected claim 49 as being unpatentable over Koza in view of either Gumina or Kamille. Applicant traverses this rejection.

Amended claim 49 depends from claim 42 and further adds the element of determining a match between the random character string and the plurality of words in the play phrase to claim 42. Applicant submits this element is not disclosed or suggested by the cited references, either individually or in combination.

To render amended claim 49 obvious, the prior art references when combined must teach or suggest all the claim limitations (MPEP §2143). Because the cited references do not disclose or suggest, either individually or in combination, at least the element of determining a match between the random character string and the plurality of words in the play phrase, the cited references cannot render amended claim 49 obvious. Therefore, Applicants submit amended claim 49 is patentable over the cited references and allowance thereof is requested.

Claim 50

The Office Action rejected claim 50 as being unpatentable over Koza in view of either Gumina or Kamille. Applicant traverses this rejection.

Claim 50 is directed to a lottery ticket having a pre-printed section that lists a pre-printed word-based play phrase. The Office Action stated that Koza discloses, in column 11, lines 60-68, and column 12, lines 55-63, a lottery game that includes a pre-printed section listing a pre-printed phrase. As explained above with respect to the patentability of claim 46, the cited passages disclose “a collection of preselected words” but not pre-printed phrases as in claim 50, and arbitrary words do not form a phrase.

In order to render claim 50 obvious, the prior art references when combined must teach or suggest all the claim limitations (MPEP §2143). Because the cited references do not disclose or suggest, either individually or in combination, at least the element of determining a match between the random character string and the plurality of words in the play phrase, the cited references cannot render claim 50 obvious. Therefore, Applicants submit claim 50 is patentable over the cited references and allowance thereof is requested.

Allowable Subject Matter

Applicant agrees with the Examiner that claims 29-41, 47-48, and 51-53 contain allowable subject matter. Claim 46 has been amended such that claims 47-48 are no longer dependent from an objected to claim. As stated above, claim 50 is patentable

over the cited references and therefore, claims 51-53 are not dependent from an objected to claim.

Conclusion

In view of the foregoing remarks, Applicants respectfully submit that Claims 29-53 are in condition for allowance and entry of the present amendment and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicant's attorney (404-815-3383) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 03-0683.

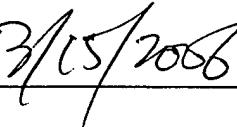
Respectfully submitted,

Bozeman
By His Representatives,

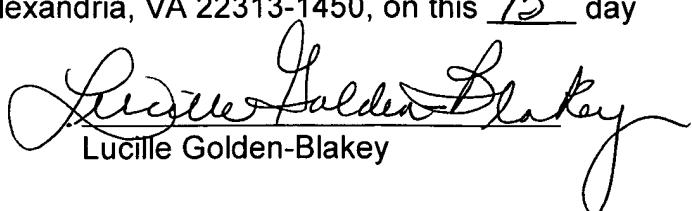
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3/15/2006

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop ^{4A} Amendment, Commissioner of Patents, Alexandria, VA 22313-1450, on this 15th day of March, 2006.


Lucille Golden-Blakey